

# INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/AU2004/001 337**

## A. CLASSIFICATION OF SUBJECT MATTER

Int. Cl. <sup>7</sup>: G01N 1/31, 35/00, G05D 7/00, B01L 3/16

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

DWPI & keywords: histological, tissue, biopsy; reagent, fixative, dehydrant, alcohol, defatter, wax, paraffin, clearer, solvent, reactant; choose, select, nominate, manage, pick; retort, vessel, container; available; protocol, program, procedure, method; schedule, timetable, order; priority, conflict; thermal, temperature, heat, cool, refrigerate; power; delegate, allocate, share, distribute; accelerate; and other similar terms

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2003/029845 A2 (VISION BIOSYSTEMS LIMITED) 10 April 2003 See page 5 line 8 – page 6 line 7 & page 10 line 18 – page 12 line 32	1–4, 17, 18, 24, 36–45, 48, 51–53, 55, 57, 58, 60, 61
Y	See page 14 lines 25 – 28	17–29, 48–50, 59
X	US 2002/0131896 A1 (HUNNELL ET AL.) 19 September 2002 See paragraphs [0013] – [0032] & paragraphs [0076] – [0091]	1–16, 43–47, 51, 53–55, 58

☒ Further documents are listed in the continuation of Box C

☒ See patent family annex

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"E" earlier application or patent but published on or after the international filing date

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"O" document referring to an oral disclosure, use, exhibition or other means

"&" document member of the same patent family

"P" document published prior to the international filing date but later than the priority date claimed

Date of the actual completion of the international search  
**24 November 2004**

Date of mailing of the international search report  
**13 DEC 2004**

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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 3889014 A (KINNEY ET AL.) 10 June 1975 See column 4 line 13 – column 8 line 34	1-4, 51
X	US 4141312 A (LOUDER ET AL.) 27 February 1979 See column 2 line 37 – column 7 line 55	1-4, 43, 45, 51
Y	US 6 096 561 A (TAYI) 1 August 2000 See column 27 line 37 – column 28 line 63	17-29, 48-50, 59

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## Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

## Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. Claims 1 – 16, 25 – 29, 46, 47 & 51 – 55.
2. Claims 17 – 24, 48 - 50 & 59.
3. Claims 30 – 35 & 56.
4. Claims 36 – 42 & 57.
5. Claims 43 – 45 & 58.

As reasoned on the extra sheet.

1. ☒ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☒ No protest accompanied the payment of additional search fees.

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## Supplemental Box

(To be used when the space in any of Boxes I to VIII is not sufficient)

### Continuation of Box No: III

1. Claims 1 – 16, 25 – 29, 46, 47 & 51 – 55 are directed towards methods of managing or selecting resources for use in a histological tissue processor, in which the tissue processor comprises at least one retort that is fluidly connected to a reagent source via a valve. It is considered that the selection of a reagent based on its group/type/station, availability or purity comprises a first "special technical feature".
2. Claims 17 – 24, 48 - 50 & 59 are directed towards methods of scheduling processing protocols of a histological tissue processor, in which the tissue processor comprises at least two retorts that are fluidly connected to a reagent source via a valve. It is considered that the scheduling of processing protocols comprises a second special technical feature.
3. Claims 30 – 35 & 56 are directed towards the management of thermal resources in a histological tissue processor, in which the tissue processor comprises at least one retort that is fluidly connected to a reagent source via a valve. It is considered that the management of thermal resources and heating power states comprises a third special technical feature.
4. Claims 36 – 42 & 57 are directed towards the control of heaters in a histological tissue processor in which the tissue processor comprises at least one retort that is fluidly connected to a reagent source via a valve. It is considered that the selection of a heating algorithm based on the number of readings/fill state/location comprises a forth special technical feature.
5. Claims 43 – 45 & 58 are directed toward the acceleration of a histological tissue process. It is considered that the heating of a selected component to a desired temperature (as sensed by a temperature sensor) comprises a fifth special technical feature.

These groups are not so linked as to form a single general inventive concept, that is, they do not have any common inventive features, which define a contribution over the prior art. The common concept linking together groups 1 - 4 is a tissue processor comprising at least one retort that is fluidly connected to a reagent source via a valve. However this concept is not novel in the light of WO 2003/029845 (VISION BIOSYSTEMS LIMITED) 10 April 2003. Therefore these claims lack unity a posteriori.

Group 5 does not share any technical relationship with the other groups of claims and hence lacks unity a priori.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

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This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report		Patent Family Member			
WO	03029845	CA	2462332	EP	1440320
US	2002131896	NONE			
US	3889014	US	3771490		
US	4141312	CH	626173	DE	2739649
		GB	1569459	FR	2391463
US	6096561	AU	39290/93	AU	39343/93
		AU	39350/93	AU	39677/93
		AU	78431/94	CA	2129245
		CA	2129367	CA	2129368
		CA	2132960	CA	2172363
		EP	0632894	EP	0632896
		EP	0637283	EP	0720747
		EP	0755519	EP	1028320
		EP	1380842	EP	1380843
		EP	1443329	EP	1450161
		EP	1450163	JP	2002250733
		JP	2002250735	JP	2002277475
		JP	2003156498	JP	2003156499
		JP	2003161734	JP	2003177137
		JP	2003177139	JP	2004157140
		US	5358691	US	5376313
		US	5482861	US	5507410
		US	5540890	US	5575978
		US	5605665	US	5610069
		US	5635364	US	5646049
		US	5960160	US	6190617
		WO	9320440	WO	9320441
		WO	9320444	WO	9320450
				WO	9508774

Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.

END OF ANNEX